

**Notice of Allowability**

Application No.

10/634,034

Examiner

Hargobind S Sawhney

Applicant(s)

RIVERS, PAUL BRENT

Art Unit

2875

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address~

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on June 17, 2004.
2. ☒ The allowed claim(s) is/are 2-5,7 and 9-19.
3. ☒ The drawings filed on 01 October 2003 and 04 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

1. The amendment filed on June 17, 2004 has been entered. Accordingly:
  - Claims 1,6,8 and 20 have been cancelled; and
  - Claims 2-4, 7, 9, 10 and 11 have been amended.

***Allowable Subject Matter***

2. Claims 2-5, 7 and 9-19 are allowed.

The prior art of record, including Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an illumination apparatus combining:

- a flexible neck of a resiliently flexible material, and the flexible neck operatively associating a light source with a main housing including a detachably connected pedestal as recited in Claim 7;
- at least one additional pedestal assembly detachably connected to the main housing already having a detachably connected pedestal as recited in Claim 9.
- at least one push rod connected to a portion of at least one set jaws, and the push rod structured for contacting the arm of a handle connected to

the main housing as recited in Claim 12.

The above-indicated combination, including a flexible neck connector, and at least one push rod structures and positioned for being in contact with one of the arm of the handle, makes this invention unique.

Neither combined nor individual teaching of Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703) discloses the above-indicated structure and positioning of at least one push rod as claimed by the applicant.

Further, neither combined nor individual teaching of Leen (US Patent No.: 6,585,400 B2), Chen (US Patent No.: 6,428,192 B1) and Tsao (US Patent No.: 6,062,703) discloses an illumination apparatus including a flexible neck connecting a light source to the main housing of the illumination apparatus as claimed by the applicant.

Therefore Claim 7, 9 and 12 are allowed over prior art.

Claims 2-5, 10 and 11 are necessarily allowed because of their dependency on the allowed base Claim 7.

Claims 13-19 are necessarily allowed because of their dependency on the allowed base Claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yu (U.S. Patent No. 5,765,793) and Copeland et al. (U.S. Patent No. 5,163,752)

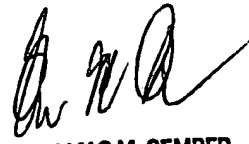
Each of the above-indicated prior arts discloses an illuminating apparatus comprising some of the claimed features claimed by the applicant.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306/7724 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS 9/1/1004

  
THOMAS M. SEMBER  
PRIMARY EXAMINER